

COUNTY OF YORK

MEMORANDUM

DATE: February 6, 2003 (BOS Mtg. 3/18/03)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Amendment of County code section 1-14.1 and adoption of new County code section 1-14.2—Assessments for civil and criminal convictions and processing fees for admissions to a county or regional jail

Proposed Ordinance No. 03-7, placed before you for consideration, accomplishes two purposes. First, it amends County code section 1-14.1 which was adopted by this Board on October 15, 2002, to provide that the \$5.00 assessment levied as part of the costs in criminal and traffic convictions in York County courts will be assessed by the County's juvenile and domestic relations district court, in addition to the general district and circuit courts. As adopted, section 1-14.1 assessed the fee in the circuit court and general district court, but not in the juvenile and domestic relations court. Both the general district and the juvenile and domestic relations courts are "district courts" and Virginia Code section 53.1-120 allows the fee to be levied in any district court. However, at the time this matter was brought before you for adoption, the City of Poquoson had already adopted an ordinance which likewise levied the fee only in the general district court and not in the juvenile and domestic relations court, and we prepared an ordinance consistent with Poquoson's. York County courts, as you know, handle cases arising both out of the County and the City of Poquoson. Since then, Poquoson has amended its ordinance to assess the fee in the juvenile and domestic relations court. Because that court handles traffic offenses committed by juveniles, and because the clerk of the juvenile court has already instituted a collection procedure for cases arising out of the city, it may make sense to bring the County's ordinance into line with Poquoson's, not only because of the additional revenue which may be received by the County, but to simplify the collection procedures for the juvenile and domestic relations court.

Second, since the adoption of County code section 1-14.1, Sheriff Diggs has suggested that the County might also want to take advantage of newly adopted Virginia Code section 15.2-1613.1. That section, effective only as of last July 1, authorizes any county or city to authorize by ordinance a processing fee not to exceed \$25.00 on any individual admitted to a county, city, or regional jail following conviction. The fee is to be collected by the court clerk and deposited into the account of the treasurer of the local governing body to be used by the local sheriff's office to defray the cost of processing arrested persons into local jails. Thinking that you may wish to avail yourself of this additional source of revenue, the attached ordinance also amends the County code by adding section 1-14.2 to impose the \$25.00 processing fee.

Barnett/3340:swh

Attachment

? Proposed Ordinance No. 03-7